



Express Mail #EU417949254US

H 3
TU
PATENT

Attorney Docket No. 12524

12-4182

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

RECEIVED
NOV 28 2002
TC 1700

In re application of: Talbert, Sherwood G. et al.

Serial No.: 09/921,344

Art Unit: 1724

Filed: August 2, 2001

Examiner: Hoey, Betsey Morrison

For: THERMAL WATER TREATMENT

Assistant Commissioner for Patents
Washington DC 20231

Dear Sir:

11/21/2002 TBESHAH1 00000113 09921344

01 FC:1806

180.00 OP INFORMATION DISCLOSURE STATEMENT

1. Preliminary Statement

Applicants submit herewith patents, publications, or other information, of which they are aware that they believe may be material, as defined in 37 CFR § 1.56(b), to the examination of this application, and in respect of which, there may be a duty to disclose in accordance with 37 CFR § 1.56(a). While the information referred to in this Information Disclosure Statement may be material pursuant to 37 CFR § 1.56(b), the filing of this Information Disclosure Statement is not intended, pursuant to 37 CFR § 1.97(h), to constitute an admission that any patent, publication, or other information referred to is, or is considered to be, material to the patentability of this invention. Further, pursuant to 37 CFR § 1.97(g), the filing of this Information Disclosure Statement should not be construed as a statement that a search has been made or that no other material information exists. The filing of this

11/21/2002 TBESHAH1 00000113 09921344

01 FC:1806

180.00 OP

[REDACTED]

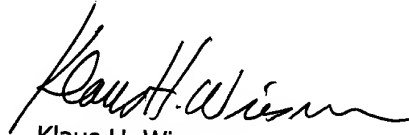
information disclosure statement shall not be construed as an admission against interest in any manner.

2. Transmitted herewith and forming a part of this Information Disclosure Statement are forms PTO/SB/08A (3 sheets) and /08B (1 sheet) on which are listed all cited items of information.

3. Enclosed herewith is the fee of \$180 for submission of this Information Disclosure Statement as specified in 37 CFR §1.17(p).

The person making this statement is the practitioner who signs below on the basis of the information in the practitioner's file.

Respectfully submitted,



Klaus H. Wiesmann
BATTELLE MEMORIAL INSTITUTE
505 King Avenue
Columbus, Ohio 43201-2693
November 19, 2002

Registration No. 30,437

Phone (614) 424-6589

Fax (614) 424-3864

Email wiesmann@battelle.org

Customer No. 24116



11-20-02

ess Mail #EU417949254US

1724
cs

PTO/SB/21 (08-00)

Approved for use through 10/31/2002. OMB 0651-0031
U.S. Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**TRANSMITTAL
FORM**

(to be used for all correspondence after initial filing)

Application Number

09/921,344

Filing Date

08/02/2001

First Named Inventor

Ialbert et al

Group Art Unit

1724

Examiner Name

Betsey Hoey

Attorney Docket Number

12524

Total Number of Pages in This Submission

NOV 22 2002
TC 1700

RECEIVED

ENCLOSURES (check all that apply)☒ Fee Transmittal Form☒ Fee Attached☐ Amendment / Reply☐ After Final☐ Affidavits/declaration(s)☐ Extension of Time Request☐ Express Abandonment Request☒ Information Disclosure Statement☐ Certified Copy of Priority Document(s)☐ Response to Missing Parts/ Incomplete Application☐ Response to Missing Parts under 37 CFR 1.52 or 1.53☐ Assignment Papers (for an Application)☐ Drawing(s)☐ Licensing-related Papers☐ Petition☐ Petition to Convert to a Provisional Application☐ Power of Attorney, Revocation Change of Correspondence Address☐ Terminal Disclaimer☐ Request for Refund☐ CD, Number of CD(s) _____☐ After Allowance Communication to Group☐ Appeal Communication to Board of Appeals and Interferences☐ Appeal Communication to Group (Appeal Notice, Brief, Reply Brief)☐ Proprietary Information☐ Status Letter☒ Other Enclosure(s) (please identify below):

Return Receipt Post Card; Credit Card Payment Form

Remarks

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENTFirm
or
Individual name

Klaus H. Wiesmann, Reg. #30,437

Signature

Date

11/19/2002

CERTIFICATE OF MAILINGI hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as ~~first class~~ Express mail in an envelope addressed to: Commissioner for Patents, Washington, DC 20231 on this date:

11/19/2002

Typed or printed name

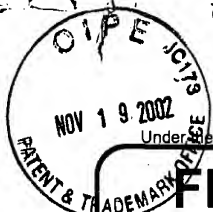
Judy Readman

Signature

Date

11/19/2002

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.



Express Mail #417949254US

PTO/SB/17 (10-02)
Approved for use through 10/31/2002. OMB 0651-0032
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

FEE TRANSMITTAL for FY 2003

Patent fees are subject to annual revision.

☐ Applicant claims small entity status. See 37 CFR 1.27

TOTAL AMOUNT OF PAYMENT (\$) 180.00

Complete if Known

Application Number	09/921,344
Filing Date	08/02/2001
First Named Inventor	Talbert et al
Examiner Name	Betsey Hoey
Art Unit	1724
Attorney Docket No.	12524

RECEIVED
NOV 22 2002
TC 1700

METHOD OF PAYMENT (check all that apply)

☐ Check ☒ Credit card ☐ Money Order ☐ Other ☐ None

☐ Deposit Account:

Deposit Account Number:
Deposit Account Name:

The Commissioner is authorized to: (check all that apply)

☐ Charge fee(s) indicated below ☐ Credit any overpayments

☒ Charge any additional fee(s) during the pendency of this application

☐ Charge fee(s) indicated below, except for the filing fee to the above-identified deposit account.

FEE CALCULATION (continued)					
Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1051	130	2051	65	Surcharge - late filing fee or oath	
1052	50	2052	25	Surcharge - late provisional filing fee or cover sheet	
1053	130	1053	130	Non-English specification	
1812	2,520	1812	2,520	For filing a request for <i>ex parte</i> reexamination	
1804	920*	1804	920*	Requesting publication of SIR prior to Examiner action	
1805	1,840*	1805	1,840*	Requesting publication of SIR after Examiner action	
1251	110	2251	55	Extension for reply within first month	
1252	400	2252	200	Extension for reply within second month	
1253	920	2253	460	Extension for reply within third month	
1254	1,440	2254	720	Extension for reply within fourth month	
1255	1,960	2255	980	Extension for reply within fifth month	
1401	320	2401	160	Notice of Appeal	
1402	320	2402	160	Filing a brief in support of an appeal	
1403	280	2403	140	Request for oral hearing	
1451	1,510	1451	1,510	Petition to institute a public use proceeding	
1452	110	2452	55	Petition to revive - unavoidable	
1453	1,280	2453	640	Petition to revive - unintentional	
1501	1,280	2501	640	Utility issue fee (or reissue)	
1502	460	2502	230	Design issue fee	
1503	620	2503	310	Plant issue fee	
1460	130	1460	130	Petitions to the Commissioner	
1807	50	1807	50	Processing fee under 37 CFR 1.17(q)	
1806	180	1806	180	Submission of Information Disclosure Stmt	180
8021	40	8021	40	Recording each patent assignment per property (times number of properties)	
1809	740	2809	370	Filing a submission after final rejection (37 CFR 1.129(a))	
1810	740	2810	370	For each additional invention to be examined (37 CFR 1.129(b))	
1801	740	2801	370	Request for Continued Examination (RCE)	
1802	900	1802	900	Request for expedited examination of a design application	
Other fee (specify) _____					
*Reduced by Basic Filing Fee Paid					
SUBTOTAL (3)					(\$) 180.00

FEE CALCULATION

1. BASIC FILING FEE

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1001	740	2001	370	Utility filing fee	
1002	330	2002	165	Design filing fee	
1003	510	2003	255	Plant filing fee	
1004	740	2004	370	Reissue filing fee	
1005	160	2005	80	Provisional filing fee	
SUBTOTAL (1)					(\$) 0

2. EXTRA CLAIM FEES FOR UTILITY AND REISSUE

Extra Claims Fee from below Fee Paid

Total Claims -20** = ☐ X ☐ = ☐

Independent Claims -3** = ☐ X ☐ = ☐

Multiple Dependent ☐ = ☐

Large Entity		Small Entity		Fee Description	Fee Paid
Fee Code	Fee (\$)	Fee Code	Fee (\$)		
1202	18	2202	9	Claims in excess of 20	
1201	84	2201	42	Independent claims in excess of 3	
1203	280	2203	140	Multiple dependent claim, if not paid	
1204	84	2204	42	** Reissue independent claims over original patent	
1205	18	2205	9	** Reissue claims in excess of 20 and over original patent	
SUBTOTAL (2)					(\$) 0

**or number previously paid, if greater; For Reissues, see above

SUBMITTED BY (Complete if applicable)

Name (Print/Type)	Klaus H. Wiesmann	Registration No. (Attorney/Agent)	30,437	Telephone	614-424-6589
Signature	<i>Klaus H. Wiesmann</i>	Date	11/19/2002		

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

This collection of information is required by 37 CFR 1.17 and 1.27. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, Washington, DC 20231.

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select option 2.



Express Mail #417949254US

Please type a plus sign (+) inside this box → ☐

PTO/SB/08A (10-96)

Approved for use through 10/31/99. OMB 0651-0031

Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

**INFORMATION DISCLOSURE
STATEMENT BY APPLICANT**

(use as many sheets as necessary)

Sheet 1 of 4

Complete if Known

Application Number	09/921,344
Filing Date	08/02/2001
First Named Inventor	Talbert et al
Group Art Unit	1724
Examiner Name	Betsey Hoey
Attorney Docket Number	12524

NOV 22 2002
TC 1700

RECEIVED

U.S. PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	U.S. Patent Document		Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number	Kind Code ² (if known)			
Bm	A1	787,909		FOX	04-25-1905	
	A2	1,016,959		SADTLER	02-13-1912	
	A3	1,716,692		GUNDLACH	06-11-1929	
	A4	1,745,323		COE ET AL	01-28-1930	
	A5	2,123,809		SEITZ	07-12-1938	
	A6	2,207,057		GULICK	07-09-1940	
	A7	2,602,465		GOEHRING	07-08-1952	
	A8	2,625,138		JACOBY	01-13-1953	
	A9	2,711,756		PECK ET AL	06-28-1955	
	A10	2,809,267		SCHAUER	10-08-1957	
	A11	2,814,278		CAMERON	11-26-1957	
	A12	2,833,273		MILLER	05-06-1958	
	A13	2,846,320		WITTWER	08-05-1958	
	A14	3,045,654		DELL	07-24-1962	
	A15	3,295,605		SEBALD	01-03-1967	
	A16	3,453,840		NAGAKURA ET AL	07-08-1969	
	A17	3,465,123		HARRIS	09-02-1696	
	A18	3,512,998		CLARK	05-19-1970	
	A19	3,547,306		NATTERSTAD	12-15-1970	
Bm	A20	3,610,538		ENDERS	10-05-1971	

FOREIGN PATENT DOCUMENTS

Examiner Initials*	Cite No. ¹	Foreign Patent Document			Name of Patentee or Applicant of Cited Document	Date of Publication of Cited Document MM-DD-YYYY	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear	T ⁶
		Office ³	Number ⁴	Kind Code ⁵ (if known)				
Bm	A21	CA	1187750		McKenney	05-28-1985		
	A22	EP	0410924		Presz	01-30-1991		
	A23	DE	19648652		Kempe et al	05-28-1997		
	A24	DE	3813288		Bauer et al	11-09-1989		
	A25	DE	3916195		Gleich	08-02-1990		
	A26	WO	90/05878		Bourke	05-31-1990		
	A27	WO	95/29127		Dunn et al	11-02-1995		
	A28	WO	00/25887		Heyes et al	05-11-2000		
	A29	WO	00/58223		Wolters et al	10-05-2000		
Bm	A30	WO	01/19734		Johnson et al	03-22-2001		

Examiner
Signature

Betsey M. Hoey

Date
Considered

6/5/03

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO:** Assistant Commissioner for Patents, Washington, DC 20231.

PTO/SB/08A (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
collection of information unless it contains a valid OMB control number.

Substitute for form 1449A/PTO

INFORMATION DISCLOSURE STATEMENT BY APPLICANT

(use as many sheets as necessary)

Sheet 3 of 4

Complete if Known

Application Number	09/921,344
Filing Date	08/02/2001
First Named Inventor	Talbert et al
Group Art Unit	1724
Examiner Name	Betsey Hoey
Attorney Docket Number	12524

TC 1700

RECEIVED

U.S. PATENT DOCUMENTS

[illegible]

FOREIGN PATENT DOCUMENTS

[illegible]

Examiner
Signature

Botany M. Hoey

Date
Cons

dated	6/5/03
-------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² See attached Kinds of U.S. Patent Documents. ³ Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). ⁴ For Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. ⁵ Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. ⁶ Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. **DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.**



Please type a plus sign (+) inside this box → ☐

PTO/SB/08B (10-96)
Approved for use through 10/31/99. OMB 0651-0031
Patent and Trademark Office: U.S. DEPARTMENT OF COMMERCE
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it contains a valid OMB control number.

Substitute for form 1449B/PTO		Complete if Known			
INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Application Number	09/921,344		
		Filing Date	08/02/2001		
		First Named Inventor	Talbert et al		
		Group Art Unit	1724		
		Examiner Name	Betsey Hoey		
Sheet	4	of	4	Attorney Docket Number	12524

NOV 22 2002
TC 1700

RECEIVED

OTHER PRIOR ART -- NON PATENT LITERATURE DOCUMENTS			
Examiner Initials ¹	Cite No. ¹	Include name of the author (in CAPITAL LETTERS), title of the article (when appropriate), title of the item (book, magazine, journal, serial, symposium, catalog, etc.), date, page(s), volume-issue number(s), publisher, city and/or country where published.	T ²
BMA	D1	RUIZ, GREGORY M. et al., "Global Spread of Microorganisms by Ships", Nature, Volume 408, November 2, 2000, p. 49	
	D2	CHRISTEN, KRIS, "The Smallest Stowaways", Environmental Science and Technology, January 1, 2001, P. 14A-15A	
	D3	CHRISTEN, KRIS, "States Tackle Ballast Water", Environmental Science and TEchnology, January 1, 2001, p. 14A	
	D4	BUCHHOLZ, KURT et al., "Ballast Water Secondary Treatment Technology Review" (For Northeast Midwest Institute), Battelle Duxbury Operations, August 24, 1998	
	D5	DOBES, JOSEPH C., "Ballast Water Management - A Glimpse of the Future" ASNE Environmental Symposium - Technical Papers - 1997 www.asne-tw.org/PAPERS.htm	
	D6	PACIFIC WATER BALLAST GROUP, Working draft - Report and Recommendation	
	D7	RIGBY, G.R., "Novel Ballast Water Heating Technique Offers Cost-Effective Treatment to Reduce the Risk of Global Transport of Harmful Marine Organisms", Marine Ecology Progress Series, Volume 191, p. 289-293, 1999	
	D8	RIGBY, G.R., "Ballast Water Heating Technique for Reducing Global Transport of Harmful Marine Organisms", WAVES, Volume 7, Number 4, Summer 2000	
BMA	D9	WILLAIMS, COLL, "Shipping Study: The Role of Shipping in the Introduction of Non-indigenous Aquatic Organisms to the Coastal Waters of the United States (Other than the Great Lakes) and an Analysis of Control Options", April, 1995, National Technical Information Service	

Examiner Signature	Betsey M. Hoey	Date Considered	6/5/03
--------------------	----------------	-----------------	--------

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.

¹ Unique citation designation number. ² Applicant is to place a check mark here if English language Translation is attached.

Burden Hour Statement: This form is estimated to take 2.0 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.